THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1198 OF 2006

Dt.25.1.2006

Between:

B.Ramesh … Petitioner

And

The Sub Inspector, Prohibition &

Excise, Nandigama, Krishna District

And another. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The petitioner submits that he is the owner of lorry bearing No.AP 9W 9239 which was seized in connection with Crime No.274/2005-2006 dt.6.1.2006 of Nandigama Prohibition and Excise Station on the allegation that the said lorry was found transporting 30 liters of toddy which was driven by the driver of the petitioner and the cleaner of the lorry was also present. It is stated that the petitioner is not the accused in the said crime and he has no knowledge or information about the alleged transportation of liquor.

I am not inclined to comment on the involvement of the petitioner and his knowledge with regard to the said crime. It is stated that

confiscation proceedings are pending before the 2nd respondent and pending disposal of the same the petitioner filed a petition for interim custody of the said vehicle and the 2nd respondent passed the impugned order dated 17.1.2006 subject to submission of the following documents:

1. A bank guarantee/F.D.R in favour of the Deputy Commissioner of Prohibition and Excise for a period of 5 years for full value of the vehicle as assessed by M.V.I. concerned.

2. An affidavit on Non-judicial stamp paper worth Rs.10/- stating that the vehicle was not involved in any Excise crime earlier.

3. An undertaking on non-judicial stamp paper worth Rs.100/- to the effect that the vehicle will not be sold out, alienated or part with in any manner and it will be produced before the authority in the present condition as and when called for etc., in usual proforma.

Apart from it, the 2nd respondent also further directed to produce the vehicle at Prohibition and Excise Station, Nandigama once in a month or as directed by the Department official whenever required. The petitioner has no grievance to comply with condition Nos.2 and 3, but he has grievance only with regard to the imposition of condition No.1 for insisting to furnish bank guarantee for full value of the vehicle as assessed by the Motor Vehicles Inspector. It is stated that the Motor Vehicles Inspector, Nandigama has assessed the value of the vehicle for Rs.1,60,000/-. The petitioner submits that when the vehicle is ultimately confiscated he has to forego the said sum of Rs.1,60,000/-.

Having regard to the facts and circumstances of the case, the aforesaid condition No.1 is modified directing the petitioner to furnish bank guarantee for the sum of Rs.60,000/- and also execute

personal bond for the value of Rs.1,00,000/- with an undertaking that in the event of confiscation orders passed, he will pay the bond sum of Rs.1,00,000/-.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

25.1.2006

Note: Issue copy within two days

B.O.

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